

1 the hearing room. Okay.

2 Q Okay.

3 A That's the way I understood from him in
4 talking to him that that's the way it happened.

5 Q And he was doing that to locate Greg
6 Holder?

7 A I think that's what he was doing. He
8 told me he called his name a couple of times and walked
9 through, didn't hear anything. The lights were on. I
10 remember he told me that.

11 Q How many lights did he tell you were on?

12 A He just told me the lights were on.

13 Q Did he tell you how he got into that
14 office?

15 A Jerry, like I told the investigators when
16 I talked to them, I'm not sure if he told me the door
17 was open, the door was unlocked.

18 Q The door was ajar?

19 A The door was ajar.

20 Q "I used my key"?

21 A I don't know. I didn't -- the way he got
22 in to me, to be honest with you, wasn't important then.
23 To me it's not important now. The fact that he was in
24 there, you know, he didn't deny being in there. So
25 really, I didn't ask him, "How did you get in?" I

1 didn't even bother to ask him.

2 Q Well, and we will take a look at that
3 directly.

4 A Again, like I said, I'm not sure if he
5 told me the door was open, unlocked, ajar.

6 Q I guess what I'm trying to get you to
7 help us with is just to draw some conclusions. You
8 know the man. You've talked to the man.

9 A Uh-huh.

10 Q Bluntly. If anybody can help justify
11 what was going on that evening you can.

12 A Well, I think he's a very nosey
13 individual.

14 Q What do you think he was looking for?

15 A Hell, I don't know. Knowing Bob, Bob is
16 a nosey guy.

17 Q Do you think he was in there to nose
18 around?

19 A No. No. Like I told you, looking at
20 everything, I pulled the Barbas file and I looked at
21 the chronological that I've got here of the Barbas
22 file. I truly believe that that's what he was there
23 for.

24 Q Did you --

25 A I don't think Bob was there for any, any,

1 any ill reason whatsoever.

2 Q Well, tell me what you believe. Do you
3 believe that Judge Bonanno was in there when Sylvia Gay
4 opened that front door? That's the bailiff.

5 A I assume he was. I don't know. I
6 haven't talked to Sylvia. The only thing I've seen
7 from Sylvia was her -- I would assume that he was in
8 there.

9 Q Do you believe that she yelled more than
10 once --

11 A No.

12 Q -- to him?

13 A No.

14 Q Okay. And why don't you believe her?

15 A Because I think if she had yelled Bob
16 would have answered right away. Or maybe he did answer
17 and she didn't hear him.

18 Q Do you believe that Bob, when he heard
19 the door, yelled, "Greg?" or, "Judge Holder?" when he
20 heard the door?

21 A I don't know.

22 Q Do you believe that he heard the door?

23 A I don't know. I would assume he would
24 have heard the door open.

25 Q What motive could you possibly -- well,

1 what motive could you give Sylvia Gay for not telling
2 the truth?

3 A Well, I'm not Sylvia. I'm not going to
4 say Sylvia is not telling the truth, all right. Sylvia
5 and Holder, and Greg, are very, very close. In fact,
6 he considers her family; very close.

7 I still believe today that the memo that
8 she wrote to Judge Holder, she didn't write it and she
9 didn't type. That's my opinion. I've got no proof.
10 That's my gut feeling. I don't think she wrote that on
11 the 30th, as it says, I think that was written on the
12 29th.

13 Q Which was a Sunday?

14 A Which the 29th was a Saturday.

15 Q A Saturday.

16 A Okay. It's dated 29th. And the reason
17 why I say that is because the letter that Judge Holder
18 gives me on the 31st, the date on that is the 29th, and
19 he mentions Sylvia's memo to him on the 29th. And it
20 wasn't the 29th when she wrote the letter. The memo
21 she wrote was dated the 30th.

22 So what I'm saying is that Judge Holder
23 and Sylvia wrote the memo and the letter on the
24 Saturday. She dated his -- hers on Sunday, and then
25 when he attempted to give it to me on the 31st,

1 remember the X that I made through it?

2 Q Yes.

3 A I said, "No, this is not the 31st," it's
4 not that it was the 29th, I scratched through the 29th
5 and I put the 31st, that, that Monday. But if you look
6 at the letter, the dates, it was -- so I think what she
7 did, to be honest with you, Jerry, she didn't contact
8 her supervisor, which she should have. She contacted
9 Judge Holder, tried to contact Judge Holder. And I
10 don't think she told her supervisors until probably
11 Monday or Tuesday of the following week.

12 Q Here's what I want you to help me with
13 because of all of that, and speculation is good.

14 A Okay. Well, no, I --

15 Q We need it.

16 A Okay.

17 Q We need your thoughts --

18 A Okay.

19 Q -- and your understanding of these human
20 beings. But apparently, and I say this to elicit a
21 response from you, apparently the only thing Judge
22 Bonanno has ever told you is that, "I was in there to
23 see Greg Holder about," and then one of the two
24 reasons?

25 A Uh-huh. Never denied it to me.

1 Q Has he ever said, "I shouldn't have
2 stayed so long," or, "Gosh, I wish I would've turned on
3 those -- or why didn't I --" he never said anything
4 other than that?

5 A I know what I told him. I told him he
6 was dumb, he was stupid. When he found that Holder
7 wasn't there, he should have left. I told him, "You
8 know the way Holder is. You shouldn't do that," you
9 know.

10 And it's not that -- again, it's not that
11 it hasn't happened before, other judges walking in
12 another judge's chambers. It happens.

13 Q But these guys aren't even close friends.

14 A But it still happens. I've had -- I've
15 had judges come in my chambers, Jerry, where the lights
16 have been off and I've been in the bathroom.

17 Q Not only are they not close friends, but
18 at this point in time on the 27th there's reason to
19 believe that there's even some real friction between
20 the two of them.

21 A Could be. Could be. But again, I think
22 if -- I think I have seen, and I'm trying to speculate
23 as to why other than the Barbas case and the fact that
24 he's trying to keep down the media with Greg's and my
25 trouble, and I don't want to speculate as to why he

1 would have been there.

2 Q Well, we've already said that Greg Holder
3 has this reputation of being the courthouse leak.
4 Could he have been looking for e-mails, correspondence,
5 news clippings, personal notes, anything that relates
6 to any of these issues that were relevant at that time?

7 A No. No, because he couldn't get in his
8 computer to begin with.

9 Q What about a physical file or something
10 of that nature?

11 A No.

12 Q You say he couldn't get in his computer,
13 who's in charge of the courthouse computer system? Do
14 you have a judge that oversees that?

15 A I oversee it.

16 Q Judge Bonanno has no responsibility for
17 that?

18 A No, no. He's -- we've got a JADS
19 committee, all right, but I oversee everything.

20 Q Was Judge Bonanno on that committee? Is
21 that --

22 A Oh, you know, he's the chair of the
23 committee. He's the chair of the committee.

24 Q He's the chair?

25 A Yeah. But as far as dealing with staff,

1 as far as --

2 Q How many other judges are on that
3 committee?

4 A We've got a judge from every division.

5 Q Okay.

6 A We've got Judge Barton, Judge Foster,
7 Judge Tharpe, Judge Ficarrota, Judge Menendez, Judge
8 Bonanno, myself, we've got two representatives from the
9 Clerk's office, my Court Administrator, and then court
10 tech staff that meets with us.

11 Q Who are the Clerk's representatives on
12 that committee?

13 A Jerry Alfonso and Pete Flynn. But as far
14 as --

15 Q Okay. And Judge Bonanno is the chairman
16 of that committee?

17 A Yeah. But as far as having access to a
18 judge's computer, the only people who have -- who have
19 that capability would be court staff because they've
20 got the confidential password to get in each individual
21 judge's computer.

22 Q Okay.

23 A Okay.

24 Q Just to --

25 A And if he tried to get in I think there

1 would be computer records where he would have tried to
2 log in his computer. There would be a record of that.

3 Q Okay. Just to keep this moving --

4 A Yeah, okay.

5 Q I apologize.

6 A No, it's all right. I've got all day,
7 Jerry.

8 Q We know about the e-mails. I think
9 that -- and by the way, as Chief Judge why wouldn't you
10 know that Greg Holder was out of town on military duty
11 and therefore not covering his docket for a day or two?

12 A Well, most of the time Greg sends me an
13 e-mail that he's going to be out of town and so forth.
14 This time he didn't. When he told me, I discussed this
15 before, I couldn't tell you when he was going.

16 Monday or Tuesday of that week, maybe
17 Wednesday, whatever, I'm not sure if I called him, but
18 I found out sometime that week that he was going. And
19 again, I'm not sure whether it was Tuesday or that
20 morning.

21 But normally when it -- he always lets me
22 know when he's going. I don't think he called me on
23 his own this time to tell me. I think I called to talk
24 to him about something and he told me that he was going
25 to be gone.

1 But again, let me speculate. There's
2 been a lot in the press and in his letter that it was
3 widely known that he was going to be gone, and I take
4 issue with that.

5 I have personally talked to Judge Arnold,
6 Judge Menendez, Judge Pendino, Judge Bonanno, Judge
7 Barton, Judge Greco, Judge Ward, Judge Maye, Judge
8 Crenshaw, Judge Baumann, and Judge Stoddard. None of
9 those individuals knew he was going to be gone.

10 Q Okay. All right.

11 A I've talked to Judge Ficarrotta, Ron and
12 Judge Ficarrotta, Gaspar, Judge Gallagher, and Greg
13 Holder. Those are the only ones that tell me for sure
14 he knew he was gone. And the reason why I talked to
15 Judge Stoddard, because Judge Stoddard is Greg's
16 Administrative Judge. I would assume he would tell
17 him. I don't think Stoddard can come under oath and
18 tell you, Jerry, one way or the other. I don't think
19 he remembers.

20 Q Well, I think what I'm hearing, and I
21 just want to paraphrase it, is there's nothing uncommon
22 about this. Judges take time off all the time without
23 reporting to you about it?

24 A All the time. In fact, I'll give you one
25 example that I made. Judge Ward, because of the

1 problems, was removed from the bench. Okay. August
2 31st was his last day.

3 On July 31st, which is a Monday if I'm
4 correct, Judge Arnold comes to me and he says, "We've
5 got a problem." He says, "How are we going to handle
6 Judge Ward's emergencies?" I said, "What do you mean?"

7 He says, "You didn't know he's gone --
8 he's taken the whole month of August off?" I didn't
9 even know Judge Ward was going to be gone the whole
10 month of August.

11 And what happens there is that if a judge
12 is gone and an emergency arises, the next judge in the
13 lettered divisions that -- say you're in Division A, if
14 an emergency comes in and that judge is not available
15 and it's an emergency, the judge in Division B takes
16 all the emergencies. If he's not available then you go
17 keep on going.

18 Well, after Ward the next division was
19 Judge Arnold. And Jim said, "Dennis, I can't handle
20 all these emergencies. I've got my own docket." So I
21 didn't even know that Judge Ward was going to be gone.

22 Q Got you.

23 A And I was the Chief Judge.

24 Q I understand. Well, --

25 A So it happens, Jerry. Sometimes judges

1 will tell me; sometimes judges won't tell me.

2 Sometimes they will tell the administrative judges;
3 sometimes they won't. That's all basically particular
4 to a judge.

5 You know, the only time I find out when a
6 judge hasn't told me is when they call me and say, "We
7 can't get a hearing, the judge is gone. I've got an
8 emergency." So I normally send them to the
9 Administrative Judge.

10 Q Okay. As a result of that incident on
11 the 27th, the series of e-mails back and forth --

12 A Uh-huh.

13 Q -- do y'all agree to have a meeting on
14 Monday morning?

15 A Yeah.

16 Q Okay, hold it. Before that meeting --

17 A Okay.

18 Q -- did you have some contact with a
19 Corporal Sheehan?

20 A Yeah.

21 Q Can you tell us about that, who Corporal
22 Sheehan is and so forth?

23 A Corporal Sheehan is basically the
24 individual who is assigned here to the courthouse,
25 works for the Sheriff's Office, that handles security,

1 handled complaints and so forth, either a complaint
2 about a judge, that something has occurred about a
3 judge, something is missing from a judge's office, or
4 there's a problem with a bailiff.

5 He also is the only individual in the
6 courthouse that has basically arrest powers. That's
7 why we keep him here. Bailiffs don't have that arrest
8 power.

9 So anyway, on that Friday morning when I
10 come it into the office, the night before I had sent an
11 e-mail to Holder, to Bonanno, and to Dave Roland, my
12 Court Counsel, that, "I'm available Monday, I'm going
13 to have a meeting Monday to settle this problem or
14 whatever, make yourselves available."

15 On Friday I get with Sheehan and Captain
16 Everhart and I told them I want this investigated, I
17 want a quick report, so at least I've got something in
18 my hand to know what happened on Thursday.

19 Q You met with Sheehan and Everhart?

20 A I meet with Sheehan, right.

21 Q And Everhart?

22 A And Everhart.

23 Q To do an investigation?

24 A To do an investigation. I'm not --

25 Sheehan comes back to me and says, "I can't talk to

1 Sylvia Gay because she's off on Fridays. But, Judge, I
2 will call her at home to find out what happened."

3 I gather that Sheehan didn't know what
4 had happened at that time. I told him make a quick
5 report so, you know, at least I've got an idea so when
6 I meet with Bob and Greg on Monday morning we can
7 discuss.

8 Q This was not a criminal investigation;
9 this was just a --

10 A No. No.

11 Q -- request, tell me?

12 A Yeah, it was just an information
13 investigation to let me know what had happened.

14 Q Okay.

15 A I mean, all I've got is an e-mail from
16 Greg the night before saying that Bonanno was in his
17 office, this, that, and the other. That's all I knew.
18 So then Bob is telling me that he went over to see him.
19 That's all I knew about it.

20 Q This investigation was essentially
21 accomplished on Friday then?

22 A Right.

23 Q All right. And it was in your hands by
24 late Friday or early --

25 A Never got it.

1 Q Never got it?

2 A Jerry, I get a call sometime Friday.
3 Being that it was a bailiff, being it was Judge Holder
4 and Judge Bonanno, that Sheehan, you know, is close to
5 some of the judges, it would be better if somebody else
6 from the Sheriff's Office would come over and do it.

7 Q Got you.

8 A And I said, "Fine, I've got no problem
9 with that. But for my purposes for the meeting Monday,
10 Mike, I still need something." Well, as of today if
11 he's made a report, Jerry, I've never seen it.

12 Q Okay. All right. Tell us about Monday's
13 meeting. How did that go? Smooth sailing, right?

14 A No. We meet there about eight o'clock.
15 Come in and -- Bob had come in first, and David, and
16 then Greg came in. He had his folder. The meeting
17 starts off. Greg starts, you know, and then Bob
18 starts.

19 And I think Bob took -- instead of taking
20 the position, you know, "Hey, I'm sorry I was in your
21 office, you know, I was just there to do this, that,
22 and the other," he tells Greg, he says, "You know, I'm
23 upset with you by the mere fact that you would even
24 think that I would be in your office to do anything
25 wrong," this, that, and the other.